

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

DANNY OSMER, JOSHUA OSMER, AND  
ESTELLE GIANGROSSO,

Plaintiffs,

v.

JEFFERSON COUNTY AND HYRAM  
GODSEY,

Defendants.

Case No. C04-5739FDB

ORDER GRANTING PLAINTIFFS'  
MOTION FOR RECONSIDERATION


Plaintiffs move for reconsideration of the Court's Order granting summary judgment on statute of limitations grounds, applying, in this Section 1983 action, the Washington statute of limitations most analogous to the causes of action herein (excessive force, false arrest, and false imprisonment), *i.e.*, RCW 4.16.100(1), which provides a two-year statute of limitations for "actions[s] for libel slander, assault, assault and battery, or false imprisonment." Plaintiff has pointed out, however, that the most analogous is not always the most appropriate in view of the considerations that came to bear in *Wilson v. Garcia*, 471 U.S. 261, 105 S. Ct. 1938 (1985): "... practical considerations help to explain why a simple, broad characterization of all § 1983 claims best fits the statute's remedial purpose." *Id.* at 272, 105 S. Ct. at 1945. (*But see* dissent *id.* at 105 S. Ct.

1 1949-53.) Accordingly, Washington's three-year statute of limitations governing personal injury  
2 actions generally must apply in this case.

3 NOW, THEREFORE, IT IS ORDERED:

- 4 1. Plaintiffs' Motion for Reconsideration is GRANTED,
- 5 2. The Court's Order granting Defendants' Motion for Summary Judgment [Dkt. # 21]  
6 and the Judgment [Dkt. # 22] are VACATED, and this cause of action is reinstated.

7 DATED this 24<sup>th</sup> day of August, 2005.

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10 FRANKLIN D. BURGESS  
11 UNITED STATES DISTRICT JUDGE  
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